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13 **MARICOPA COUNTY SUPERIOR COURT**

14 **STATE OF ARIZONA, BY AND**
15 **THROUGH THE ARIZONA**
16 **DEPARTMENT OF HEALTH**
17 **SERVICES,**

18 **Plaintiff,**

19 **vs.**

20 **METRO SPORTS BAR AND**
21 **RESTAURANT, INCORPORATED, an**
22 **Arizona corporation, dba METRO**
23 **SPORTZ BAR; ED AND AL, INC. an**
24 **Arizona corporation, dba BOOMERANG**
25 **BAR AND BILLIARDS and dba RIVER**
CITY POCKETS; MAVERICK
SALOON, INC. an Arizona corporation,
dba MAVERICK SALOON; ALFONSO
A. LARRIVA; ALFONSO RUIZ,

Defendants.

No. CV2007-008303

FINAL
ORDER FOR PERMANENT
INJUNCTION
AND
AWARD OF CIVIL PENALTIES

WHEREAS, on June 29, 2007, the Court issued a Preliminary Injunction.; and

1 **WHEREAS**, the parties have reached a settlement to resolve the remaining
2 matters in dispute, and have submitted a "Stipulation For Entry Of An Order For
3 Permanent Injunction And For Civil Penalties Against Defendants" to the Court for
4 consideration, along with an appropriate form of Order;

5 **THEREFORE**, pursuant to the Stipulation of the parties and good cause
6 appearing,

7 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED,**

8 That a **Permanent injunction** is entered immediately against these
9 DEFENDANTS: Metro Sports Bar and Restaurant, Incorporated, an Arizona corporation,
10 dba Metro Sportz Bar; Ed and Al, Inc., an Arizona corporation, dba Boomerang Bar and
11 Billiards and dba River City Pockets; Maverick Saloon, Inc., an Arizona corporation, dba
12 Maverick Saloon; Alfonso A. Larriva; Alfonso Ruiz; and their officers, agents, servants,
13 and employees.

14 The **Permanent Injunction** hereby enjoins Defendants from future violations of
15 the Smoke-Free Arizona Act, and requires the Defendants and their officers, agents,
16 servants, and employees to: inform current and prospective employees (upon their
17 application for employment) of the prohibition against smoking inside public places and
18 places of employment (i.e., Metro Sportz Bar, Maverick Saloon, River City Pockets, and
19 Boomerang Bar and Billiards); post the required "no-smoking" signs clearly and
20 conspicuously at Metro Sportz Bar, Maverick Saloon, River City Pockets, and
21 Boomerang Bar and Billiards (such signs shall identify where complaints regarding
22 violations of the Act may be registered); remove all ashtrays from areas where smoking is
23 prohibited at Metro Sportz Bar, Maverick Saloon, River City Pockets, and Boomerang
24 Bar and Billiards; and inform any person who is smoking in violation of the Act at Metro
25

1 Sportz Bar, Maverick Saloon, River City Pockets, and Boomerang Bar and Billiards that
2 smoking is illegal and request that the illegal smoking stop immediately.

3 Failure to obey this Permanent Injunction may be punishable by the Court as
4 contempt.

5 This injunction does not preclude Defendants from making modifications to the
6 physical premises of their businesses to allow smoking, if it can be done in a manner that
7 does not violate the Act.

8 **IT IS FURTHER ORDERED** granting Plaintiff an Award of Civil Penalties of
9 \$10,000 against Defendants, jointly and severally.

10 **IT IS FURTHER ORDERED** that each side is responsible for its own costs and
11 attorneys fees.

12 **IT IS ALSO FURTHER ORDERED** that the Court retains jurisdiction to
13 enforce the terms of this Permanent Injunction.

14 DONE IN OPEN COURT this 22 day of Jun, 2008.

15
16 PENDLETON GAINES

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Honorable Pendleton Gaines
18 Judge of the Maricopa County Superior Court
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